

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

10 DOUGLAS BARRETT, JR., )  
11 Plaintiff, ) No. CV-08-0002-JPH  
12 v. ) ORDER GRANTING STIPULATION  
13 MICHAEL J. ASTRUE, ) TO REMAND  
14 Commissioner of Social )  
Security, )  
15 Defendant. )

The parties have filed a stipulation for remand of this case to the Commissioner for further administrative proceedings. (Ct. Rec. 23). The parties have filed a consent to proceed before a magistrate judge. (Ct. Rec. 8).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case be remanded for a *de novo* hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge will: (1) evaluate the opinions of Andrew Forsyth, Ph.D., Michael Brown, and Sean F. Mee, Ph.D., according each opinion the appropriate weight; (2) if necessary, further consider and redetermine plaintiff's RFC in light of the expanded record, considering SSR 96-8p; and (3) if necessary, obtain a VE's

1 testimony to clarify the effect of the assessed limitations on  
2 plaintiff's occupational base and determine whether plaintiff can  
3 adjust to other work that exists in significant numbers in the  
4 national economy, as the ALJ determined plaintiff has no past  
5 relevant work.

6 Plaintiff may present new arguments and evidence. The ALJ  
7 may perform further development and conduct further proceedings as  
8 necessary. The Court declines the request of the parties to  
9 direct reassignment to another ALJ as this is a matter within the  
10 purview of the Commissioner rather than the court.

11 Accordingly, this court reverses the Commissioner's decision  
12 under sentence four of 42 U.S.C. § 405(g) with a remand of the  
13 cause to the Commissioner for further proceedings. See, *Melkonyan*  
14 v. *Sullivan*, 501 U.S. 89 (1991).

15 **IT IS FURTHER ORDERED:**

16 1. The parties' Stipulation for Remand (**Ct. Rec. 23**) is  
17 **GRANTED.**

18 2. Judgment shall be entered for the **PLAINTIFF**.

19 3. An application for attorney fees may be filed by  
20 separate motion.

21 4. The District Court Executive is directed to enter  
22 this Order, forward copies to counsel, and **close** this file.

23 **IT IS SO ORDERED.**

24 **DATED** this 10<sup>th</sup> day of September, 2008.

25 \_\_\_\_\_ s/James P. Hutton

26 JAMES P. HUTTON  
27 UNITED STATES MAGISTRATE JUDGE